

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 2:18-cv-036
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AN ISRAEL MILITARY INDUSTRIES (IMI), MODEL DESERT EAGLE, .40 CALIBER SEMI-AUTOMATIC PISTOL, SERIAL NUMBER 31312988,	:	<u>VERIFIED COMPLAINT FOR FORFEITURE IN REM</u>
	:	
Defendant.	:	

Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendant in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to enforce 18 U.S.C. § 924(d)(1), which provides, in pertinent part, for the forfeiture to the United States of “[a]ny firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922”

THE DEFENDANT IN REM

2. The defendant is an Israel Military Industries (IMI), Model Desert Eagle, .40 caliber semi-automatic pistol, bearing serial number 31312988 (“Defendant Property”). The Drug Enforcement Administration (“DEA”) seized the Defendant Property on or about August 23, 2017, from Anthony Lamont Jones in Columbus, Ohio, pursuant to a consent search. The DEA will retain custody of the Defendant Property during the pendency of this action.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property under 18 U.S.C. § 924(d)(1). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

5. Venue is proper in this district under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio and under 28 U.S.C. § 1395 because the Defendant Property was found in the Southern District of Ohio.

BASIS FOR FORFEITURE

6. The Defendant Property is subject to forfeiture under 18 U.S.C. § 924(d)(1) because it was involved in a violation of 18 U.S.C. § 922(g)(1), that is, possession or receipt of a firearm, which has been shipped or transported in interstate or foreign commerce, by an individual who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year (felon in possession).

FACTS

7. While investigating drug trafficking organizations operating in the Columbus, Ohio area, law enforcement identified Anthony Lamont Jones (“Jones”) as a target of their investigation. On August 23, 2017, investigators approached Jones and advised him that he was the subject of a federal narcotics and money laundering investigation. Investigators advised Jones that he was not under arrest and asked if he would be willing to travel to the DEA’s Columbus Office for an

interview. Jones agreed to the voluntary interview, and a task force officer gave Jones a ride to the office.

8. Once at the DEA office, investigators again advised Jones that he was not under arrest, that his participation in an interview was voluntary, and that he was free to leave at any time. After receiving this information, Jones provided the following information, among other information:

- a. He lives at 143 East Main Street, Columbus, Ohio on the 3rd floor. He lives there alone.
- b. He sells marijuana in the Columbus, Ohio area and received his last shipment in July 2017.
- c. He keeps the proceeds from his marijuana trafficking activity at his East Main Street apartment and had proceeds there at the time of the interview.
- d. He had a handgun at his apartment.

9. Investigators know that Jones is a previously convicted felon with at least two prior federal convictions in the Southern District of Ohio, Criminal Case No. 2:00-cr-072, for conspiracy to distribute and to possess with intent to distribute in excess of five (5) grams of cocaine, in violation of 21 U.S.C. § 846, and money laundering, in violation of 18 U.S.C. § 1956. These convictions resulted in a term of imprisonment exceeding one year. Jones is currently on supervised release in the Southern District of Ohio.

10. Based upon this information, law enforcement officers asked Jones for consent to search his residence located at 143 East Main Street, 3rd Floor, Columbus, Ohio. Jones provided both verbal and written consent, and investigators, along with Jones, proceeded to the Main Street apartment. Once at the apartment, Jones opened the door and allowed investigators to enter the

residence for the consent search. During their search, investigators located and seized from Jones's bedroom, a large amount of United States currency¹ and a semi-automatic handgun, the Defendant Property. Investigators provided to Jones DEA receipts for the seized property and left the apartment.

11. On or about January 12, 2018, Special Agent James Bajus with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("SA Bajus"), who is trained and qualified to examine firearms to determine the origin and status as to the travel of firearms in interstate and/or foreign commerce, inspected the Defendant Property. Based upon his examination, SA Bajus determined that the Defendant Property was manufactured and/or assembled in Israel. Therefore, the Defendant Property moved in and/or affected interstate commerce or foreign commerce to arrive in Columbus, Ohio.

12. On or about January 5, 2018, the Columbus Police Crime Laboratory tested the Defendant Property and found the firearm to be operational.

13. Based on the forgoing facts, the Defendant Property was involved in a violation of 18 U.S.C. § 922(g)(1) and is therefore subject to forfeiture to the United States under 18 U.S.C. § 924(d)(1).

CLAIM FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that:

(a) the Court find there is probable cause to believe that the Defendant Property is forfeitable to the United States under 18 U.S.C. § 924(d)(1);

(b) under Rule G(3)(b)(i), Supplemental Rules, the Clerk issue a warrant of arrest *in*

¹ The United States currency seized from Jones's apartment totals \$160,679.00. On December 18, 2017, in accordance with the law, DEA administratively forfeited the seized currency.

rem, directing the United States to arrest and seize the Defendant Property and to retain the same in its custody subject to further order of the Court;

(c) the Court, under Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the Defendant Property to assert, in conformity with the law, a statement of any interest they may have, including notice by publication on the official government website, www.forfeiture.gov, for 30 consecutive days;

(d) the forfeiture of the Defendant Property to the United States be confirmed, enforced, and ordered by the Court;

(e) the Court thereafter order the United States to dispose of the Defendant Property as provided by law; and

(f) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Deborah D. Grimes
DEBORAH D. GRIMES (0078698)
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Attorney for Plaintiff
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(513) 684-3711 / Fax (513) 684-6385
Deborah.Grimes@usdoj.gov

VERIFICATION

I, Samuel T. Miller, hereby verify and declare under the penalty of perjury that I am a Special Agent with the Drug Enforcement Administration, that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except those matters stated to be alleged on information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

01/12/2018
Date



SAMUEL T. MILLER, Special Agent
Drug Enforcement Administration

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Franklin

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Deborah D. Grimes, Assistant United States Attorney, 221 E. Fourth Street, Suite 400, Cincinnati, Ohio 45202

DEFENDANTS

An Israel Military Industries (IMI), Model Desert Eagle, .40 Caliber Semi-Automatic Pistol, Serial Number 31312988

County of Residence of First Listed Defendant Franklin

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
forfeiture pursuant to 18 U.S.C. § 924(d)(1)

Brief description of cause:
forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____